

FAS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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UNITED STATES OF AMERICA,

Plaintiff,

v.

Zuriel ALVAREZ-Iturbide

Defendant.

) Magistrate Case No. 07 MJ 2831


) COMPLAINT FOR VIOLATION OF: *MD*

) Title 8, U.S.C., Section 1326;
) Deported Alien Found in the
) United States

The undersigned complainant, being duly sworn, states:

On or about, **December 03, 2007**, within the Southern District of California, defendant, **Zuriel ALVAREZ-Iturbide**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Gregory M. Harrison, Immigration &
Customs Enforcement, Deportation Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **07th** DAY OF **December 2007**.


UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**NAME: ALVAREZ-Iturbide, Zuriel****PROBABLE CAUSE STATEMENT**

As part of assigned duties of the Detention and Removal Office, Deportation Officers review various sources in order to check on aliens that have been previously removed from the United States. This is done in order to determine if subjects have returned to the United States, in violation of Title 8, United States Code, Section 1326.

On Monday, December 03, 2007, the defendant identified as Zuriel ALVAREZ-Iturbide was arrest by the San Diego Police Department for violation of Penal Code 647(F) "Disorderly Conduct/Drunk" and booked into county jail. While in the custody of county jail an Immigration Enforcement Agent determined the defendant to be a citizen of Mexico and placed an immigration detainer pending his release. On Thursday, December 06, 2007, at approximately 4:00 a.m. the defendant was referred to Immigration and Customs Enforcement custody. A thorough review of the defendant's official immigration record revealed that he is a citizen and national of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed by an Immigration Judge on or about August 27, 2007 and removed to Mexico via the Calexico Port of Entry. Record checks and statements by the defendant further indicate that he had not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Zuriel ALVAREZ-Iturbide, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

The defendant was admonished as to his rights per "MIRANDA" in the Spanish language at approximately 7:50 a.m. by Deportation Officer Gregory M. Harrison as witnessed by Immigration Enforcement Agent Deven Wooddy. The defendant acknowledged his rights per "MIRNADA" and elected to answer questions without counsel present.

The defendant stated that he is a citizen of Mexico by virtue of birth, was deported from the United States to Mexico and had not obtained a waiver in order to re-enter the United States. The defendant acknowledged that he unlawfully entered the United States near Otay Mesa, California approximately three weeks after his removal. The defendant acknowledged that he has no legal right to enter or reside in the United States and acknowledged that he knew it to be against the law to enter the United States illegally and after having been removed to Mexico.

Based upon the foregoing information, there is probable cause to believe that Zuriel ALVAREZ-Iturbide has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.